

# Exhibit 67



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

----- -x  
JOSEPH H. SIMON, :

Plaintiff, :

-against- ::

MARTIN GOODMAN and JEAN GOODMAN, in- :  
dividually, and d/b/a MAGAZINE MANAGE- :  
MENT COMPANY, KRANTS FILMS, INC., RKO :  
GENERAL, INC., and WESTON MERCHANDISING :  
CORP., :

Defendants. :

----- -x

375 Park Avenue,  
New York, N.Y.

December 14, 1967,  
2:00 p.m.

EXAMINATION BEFORE TRIAL of MARTIN GOODMAN,  
a defendant herein, taken by the plaintiff  
pursuant to notice dated November 16, 1967  
and stipulations between counsel, before a  
Notary Public of the State of New York.

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3878

MARVEL 002173

A p p e a r a n c e s :

FRIEND & REISKIND, Esqs.,  
375 Park Avenue,  
New York, N.Y.

By: EDWIN M. REISKIND, Esq., and  
EDWIN REISKIND, Jr., Esq., of Counsel.

KENYON & KENYON, Esqs.,  
Attorneys for Defendant,  
59 Maiden Lane,  
New York, N.Y., &

By: CHARLES R. BRAINAD, Esq., and  
THOMAS L. CREEL, Esq., of Counsel.

Also Present:

CHARLES GOODMAN.

- - -

IT IS HEREBY STIPULATED AND AGREED by and  
between the attorneys for the respective parties  
hereto that the sealing and filing of the transcript  
of the within examination be and the same hereby  
are waived and that said transcript may be signed  
and sworn to before any Notary Public or Com-  
missioner of Deeds with the same force and effect  
as if before an officer of this Court.

- - -

MARVEL 002174

1 Goodman 72  
2 of the rights to Captain America character, Captain  
3 America comics?  
4 MR. BRAINARD: Which?  
5 MR. REISKIND: Captain America char-  
6 acter.  
7 MR. BRAINARD: What rights in the  
8 character do you refer to?  
9 MR. REISKIND: All rights, title and  
10 interests being Captain America character.  
11 If the rights have been subdivided I would  
12 like to have the respective owners or respect-  
13 ive subdivisions of that right.  
14 MR. BRAINARD: If you refer to a trade-  
15 mark I would like you to identify it. If you  
16 refer to any specific copyright I would like  
17 you to identify it.  
18 Q Who presently is claimed to be the owner  
19 of the copyrights of the property or the publications  
20 of Captain America?  
21 A I will get you that information.  
22 Q Who is, according to your claim, the present  
23 owner of the trade-mark or name Captain America?  
24 A I will get you that information.  
25 Q Is the copyright ownership of Captain

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MARVEL 002235

1

Goodman

73

2

America in the name of one of your companies?

3

A I believe that is correct.

4

Q These companies are owned and controlled

5

by you and Mrs. Jean Goodman, doing business as

6

Magazine Management Company?

7

A No, each corporation stands on its own.

8

Q You and your wife are the principal stock-

9

holders of the corporations involved in this group?

10

A I own them either completely or my wife may own

11

some stock in some of them.

12

Q You are familiar with a property and as-

13

sets of these corporations?

14

A I am.

15

Q Is the character Captain America indicated

16

as an asset of any of these corporations?

17

A Do you mean is there a specific value carried

18

on the books?

19

Q Yes, that is exactly what I have reference

20

to.

21

A One dollar.

22

Q The same thing applies to the other phases

23

of the rights in Captain America, that is in addition

24

to the publication rights the trade-mark rights?

25

MR. BRAINARD: I understood that is

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MARVEL 002236

Goodman

74

1

2

what you were referring to by your previous question.

3

4

Q All rights, whether trade-mark or copy-

5

rights in connection with Captain America are carried

6

at one dollar?

7

A At one dollar or nothing.

8

MR. BRAINARD: Are you testifying of

9

specific recollection to Captain America or

10

about a general practice followed in your

11

organization?

12

A I would guess I am testifying as a general prac-

13

tice, out of all our titles are carried at any value

14

or more than a dollar.

15

Q Would you be good enough to check this

16

information and verify it for me?

Scap 75 R

17

A I will do that.

18

MR. BRAINARD: Off the record.

19

(Discussion off the record.)

20

Q Would you be good enough to tell us whether

21

Captain America Comics publication rights, trade-mark

22

rights or any other rights of the publications or the

23

character itself, Captain America, are carried as an

24

asset on the books of the corporation, whichever cor-

25

poration claims to be the owner thereof and if it is

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**WITNESS**

Martin Goodman

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**EXHIBITS**

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1	Letter dated January 9, 1941.	52
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MARVEL 002264

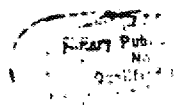
1  
2 STATE OF NEW YORK )  
3 COUNTY OF NEW YORK ) SS:

4 CERTIFICATE OF REPORTER

5 I, NORMAN ROSEN, a Stenotype Reporter and  
6 Notary Public within and for the State of New York, do  
7 hereby certify that the within continued examination  
8 before trial in the Matter of Simon against Goodman et al,  
9 was held on January 19, 1968, at 10:30 A. M., at the  
10 offices of Friend & Reiskind, Esqs., 375 Park Avenue,  
11 New York, New York, and faithfully and impartially re-  
12 corded stenographically the said questions, answers and  
13 colloquy.

14 I further certify that after said examination  
15 before trial was recorded stenographically by me, was  
16 reduced to typewriting under my supervision and hereby  
17 submit that the within contents of said examination before  
18 trial is true and accurate, to the best of my ability.

19 I further certify that I am not a relative  
20 nor an attorney for the within parties connected with  
21 the aforesaid examination before trial, nor otherwise  
22 interested in the testimony of the witness MARTIN GOODMAN,  
23 a defendant herein.



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